



PRESENT:

Dr. Edgar Wallin, Chairman
Mr. Gib Sloan, Vice-Chairman
Ms. Gloria Freye
Mr. Michael Jackson
Mr. Peppy Jones
Mr. Kirk Turner, Secretary to the Commission,
Director, Planning

ALSO PRESENT:

Mr. Mike Tompkins, Assistant Director,
Planning Department
Ms. Tara McGee, Senior Assistant County Attorney,
County Attorney's Office
Mr. Steve Haasch, Planning Manager,
Planning Department
Ms. Bonnie Perdue, Planning Operations Administrator and Clerk to Planning Commission
Planning Department
Ms. Jane Peterson, Planning Manager,
Planning Department
Mr. Robert Clay, Planning and Special Projects Manager,
Planning Department
Ms. Darla Orr, Planning and Special Projects Manager,
Planning Department
Mr. Ryan Ramsey, Planning Special Projects Manager,
Planning Department
Mr. Jesse Smith, Director,
Transportation Department
Mr. Steven Adams, Senior Civil Engineer
Transportation Department
Mr. Mike Nannery, Assistant Director
Utilities Department
Mr. Scott Smedley, Director,
Environmental Engineering Department
Mr. Scott Dunn, Assistant Director
Environmental Engineering Department
Mr. Dave Wolverton, Microcomputer Analyst

Information Systems Technology Department
Deputy Fire Marshall Anthony Batten, Fire and Life Safety,
Fire and EMS Department
Mr. Ray Cash, Zoning Administrator
Planning Department
Dr. David Pritchard, Special Projects
County Administration
Mr. Carl Schlaudt, Revitalization Manager,
County Administration

ASSEMBLY AND WORK SESSION.

Commissioners Wallin, Sloan, Freye, Jackson and Jones and staff assembled at 3:00 p.m. in the Public Meeting Room, Chesterfield County Administration Building, 10001 Iron Bridge Road Chesterfield, VA, for a work session.

I. CALL TO ORDER.

Dr. Wallin called the meeting to order.

II. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS, CHANGES IN THE ORDER OF PRESENTATION.

Mr. Turner requested that Work Session Item #8, Discussion of the Zoning Process, be moved to a later date. In light of the legislative changes with cash proffer cases, staff will need to go back and address those zoning changes for the future presentation.

Ms. McGee stated the new proffer legislation impacts every proffer in a residential case and is a broad brush for any proffer discussion.

On motion of Mr. Jones, seconded by Ms. Freye, the Commission resolved to amend the order of the work session as stated.

AYES: Wallin, Sloan, Freye, Jackson and Jones.

Mr. Turner requested to add two (2) items to the Work Session agenda, Bikeways and Trails Ordinance will be #8 and Mr. Cash will provide an overview of the proposed Ordinance. The second item to be added to the agenda would be the two (2) special field trip dates and that would be item #9.

On motion of Mr. Jackson, seconded by Ms. Freye, the Commission resolved to amend the order of the work session as stated.

AYES: Wallin, Sloan, Freye, Jackson and Jones.

III. REVIEW UPCOMING AGENDAS.

Ms. Peterson reviewed the upcoming cases for July, August and September.

Mr. Turner stated that while the case review for the day's agenda for the 4:00 p.m. and 6:00 p.m. cases are being presented to the Commission, this is also a good time for the Commission to ask any questions that they might have regarding a particular case.

IV. REVIEW DAY'S AGENDA.

Mr. Greg Allen reviewed the one (1) consent case in the Bermuda District for the 4:00 p.m. Public Meeting.

Ms. Peterson reviewed the nineteen (19) cases for today's 6:00 p.m. Public Meeting and Hearing.

In response to a question from Mr. Jackson relative to case 16SN0675, Bermuda Warehousing, LLC and the cost estimate of water and waste water connection, Ms. Peterson deferred to Utilities for comment. Mr. Nannery, with Utilities, came forward to address the question and explained the utilities cost estimate for the preferred option is \$970,000.00 for 3500 feet which equates to about \$250.00 per foot.

In response to a question from Ms. Freye about Case 16SN0690, FC Richmond, and the nearest residential property line, Ms. Orr stated the subject property surrounds two parcels that do contain dwellings. These properties are owned by the same person selling the larger property. There are some vacant lots next to it as well. Ms. Orr stated she could provide Ms. Freye the number of feet later this evening.

In response to a question from Mr. Jones concerning Case 16SN0707 David Bruce Allen, and the cost for sewer extension, Mr. Nannery stated the cost estimate for an eight (8) inch line is \$70,000 for construction and \$11,000 for the design fee. The sewer has two (2) options, The Hillanne Drive option is \$120,000.00 construction cost and fifteen (15) percent of that cost for the design fee. The other option is to go under Robious Road and that is more expensive and Utilities did not work up a cost for that.

Relative to Case 16SN0707, Mr. Sloan asked if there was an option C for the applicant so the two (2) lots could connect in a way that does not require the eight (8) inch line. Mr. Nannery stated the standard is an eight (8) inch line and for fire protection there is not enough pressure to use a smaller line. If this was an existing home where there was a failure, we could do a connection and require they connect to the line if it came within 200 feet.

Relative to Case 16SN0707, Dr. Wallin asked Mr. Nannery if the applicant ever asked Utilities if he had to connect to water and sewer before he bought the property. Mr. Nannery replied the applicant had inquired and was told he was not required to connect and that was an oversight on staff's part. Dr. Wallin stated when there is an oversight on the part of the applicant we expect staff to make some accommodations. This looks like we are not doing much to come up with some mediation that is fair to the applicant. Mr. Nannery stated the Code does not allow for Utilities to make accommodations when there has been a staff oversight.

Relative to Case 16SN0707, Mr. Jackson inquired about the difference between Planning and Utilities recommendations concerning wastewater. Mr. Nannery stated they have 58 customers up steam that are already developed and could benefit from this, but he is going to defer to Ms. Peterson for Planning's perspective. Ms. Peterson stated there is no anticipated future

redevelopment or development up steam of the existing sewer. The only property in the immediate area happens to be closer to the sewer line so Planning does not feel like there needs to be any sewer brought to achieve the goals of the Comp Plan for redevelopment.

Mr. Turner stated there is the option to go to an alternative system based upon the lot size should there be a failure.

Relative to Case 16SN0712, Allen Kidd, Ms. Freye stated she had a conversation with the applicant's representative last night and he is willing to consent to a sixty (60) day deferral given they would like to hold a community meeting and allow staff more time for the staff report. So this case will be heard at the August 16, 2016 Planning Commission meeting.

Relative to Case 16SN0704, Sports Frog, Mr. Sloan requested we build in time to talk about Sports Frog as it is a complicated case. Ms. Freye stated once we get the staff report the Commission would be better equipped to discuss the case. Ms. Peterson stated our cases are routed to Economic Development but it is up to them if they choose to make comments or recommendations. Ms. Freye stated she feels it is more important to have the Finance department here. Mr. Turner stated we can start the Work Session early to allow time for discussion and he will pass that along to the various departments so they can be here for a discussion.

Relative to Case 16SN0704, Ms. Peterson stated this is an August 16 case, so August 2 is when the staff report will go out for Sports Frog. Ms. Freye stated as there are 17 pages of proffers, she suggested to begin discussion of the case at the July 19 Work Session. Dr. Wallin stated at the July 19 Work Session questions can be brought up but no answers need to be provided at that time. Ms. Freye said she does not feel department heads need to be at the July 19 Work Session, but she would like them to be at the August 16 Work Session. In response to a question from Mr. Sloan relative to the seventeen (17) pages of proffers and conditions and the time it will take to digest those, Ms. McGee responded that item #3, Review Upcoming Agendas, would be an appropriate time to ask questions. Since we are planning a special discussion about this case at the July 19 Work Session, she recommends adding this to the Work Session agenda.

THE COMMISSION RECESSED THE WORK SESSION AT 3:58 P.M. FOR THE 4:00 P.M. PUBLIC MEETING.

4:00 P.M. PUBLIC MEETING.

I. CALL TO ORDER.

Dr. Wallin, Chairman, called the meeting to order at 4:07 p.m., in the Public Meeting Room, 10001 Iron Bridge Road, Chesterfield, VA.

II. APPROVAL OF THE PLANNING COMMISSION MINUTES.

- April 19, 2016 (Regular Meeting Minutes)

On motion of Mr. Sloan, seconded by Mr. Jones the Commission resolved to approve the April 19, 2016 Planning Commission regular meeting minutes.

AYES: Wallin, Sloan, Freye, Jackson and Jones.

- April 21, 2016 (Special Meeting Minutes)

On motion of Mr. Sloan, seconded by Mr. Jones the Commission resolved to approve the April 21, 2016 Planning Commission regular meeting minutes.

AYES: Wallin, Sloan, Freye, Jackson and Jones.

- May 9, 2016 (Field Trip Minutes)

On motion of Mr. Sloan, seconded by Mr. Jones the Commission resolved to approve the May 9, 2016 Planning Commission field trip minutes.

AYES: Wallin, Sloan, Freye, Jackson and Jones.

III. **PUBLIC MEETING.**

- A. **15PR0165:** In Bermuda Magisterial District, **Virginia Truck Center Of Richmond Incorporated** requests site plan approval for **Virginia Truck Center Site Improvements** in an Industrial (I-2) District on approximately 49.6 acres located at 801 and 901 W. Hundred Road. Tax ID 809-651-8576 and 809-652-4311.

Mr. Tony Carouso, the applicant, agrees with staff's recommendation.

Dr. Wallin opened the floor for public comment.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Sloan, seconded by Ms. Freye, the Commission resolved to recommend approval of Case 15PR0165 subject to the condition:

CONDITION

Prior to administrative release of the site plan, revised plans addressing the attached staff review comments shall be submitted to the Planning Department for staff review.

AYES: Wallin, Sloan, Freye, Jackson and Jones.

THE COMMISSION WENT BACK TO THE 3:00 P.M. WORK SESSION AT 4:11 P.M.

V. **REVIEW WORK PROGRAM.** 📄

There were no questions about the work program.

VI. **REVIEW PLANNING COMMISSION FOLLOW-UP ITEMS.** 📄

There were no questions about the follow-up items list.

VII. 2016 GENERAL ASSEMBLY LEGISLATIVE UPDATE.

Ms. Mary Ann Curtin reviewed changes to the county's General Assembly delegation. The big issue in the land use arena this session was the proffer reform legislation that was introduced in the House with Bill 770 and with Bill 549 in the Senate.

Two (2) issues that will come back in the 2017 session is Senate Bill 416, Limited Residential Lodging (Air BNB) and House Bill 1347, Wireless Communications Infrastructure, introduced by Sprint that would provide very broad exemptions for wireless communication companies from local application fees and prevent co-location. This Bill was pulled back and a special work group has been created with representatives from the industry and local government. This group has been tasked to come up with a compromised legislation that both groups can support.

In response to a question from Mr. Jackson relative to Senate Bill 416, Ms. Curtin stated the Bill passed with a re-enactment clause which means the next session of the General Assembly has to pass the Bill.

In response to a question from Ms. Freye relative to wireless towers deemed to be in accord with the Comp Plan, Ms. Curtin stated the net impact of that Bill would eliminate the public hearing portion assuming they are by right and this goes into effect on July 1, 2016.

In response to a question from Ms. Freye relative to communication towers, Mr. Cash explained that provision of the State Code states if we allowed a communication tower by right it would be considered in accordance with the Comp Plan. In Chesterfield County, Small Cell is a restricted use in all areas of the county. We do allow communication towers by right in I-3 Districts and this would avoid any substantial accord determination. The height limit is 300 feet or 199 feet depending on where it is located.

VIII. CODE AMENDMENT RELATIVE TO BICYCLE FACILITIES AND BUFFERS IN COMMON AREAS (15PJ0115).

Mr. Cash stated while he did not prepare a presentation, he would be happy to answer any questions the Commission has and would ask the Commission to set a public hearing for the July 19, 2016 Planning Commission Public Meeting.

On motion of Mr. Sloan, seconded by Mr. Jackson, the Commission resolved to hear Code Amendment Relative to Bicycle Facilities and Buffers in Common Areas (15PJ0115) at the July 19, 2016 Planning Commission public meeting.

AYES: Wallin, Sloan, Freye, Jackson and Jones.

IX. APPROVAL OF PLANNING COMMISSION SPECIAL FIELD TRIP DATES.

Mr. Turner requested the Commission approve the following dates for Planning Commission Special Meeting Field Trips:

- Friday, July 15, 2016
- Wednesday, August 31, 2016

On motion of Mr. Jones, seconded by Ms. Freye, the Commission resolved to adopt July 15, 2016 and August 31, 2016 for Special Meeting Field Trips.

AYES: Wallin, Sloan, Freye, Jackson and Jones.

Ms. Tara McGee introduced Ms. Brooke Hannah, a third year law student at William and Mary, as a summer intern for the County Attorney's Office.

X. RECESS.

There being no further business to discuss, the Commission recessed the Afternoon Session at approximately 4:34 p.m., agreeing to meet in the Executive Meeting Room at 5:00 p.m., for dinner; and to reconvene in the Public Meeting Room at 6:00 p.m. for the public hearing.

5:00 P.M. DINNER - EXECUTIVE MEETING ROOM.

During dinner, there was general discussion on topics related to the Planning Commission.

6:00 P.M. PUBLIC MEETING AND HEARING.

I. CALL TO ORDER.

Dr. Wallin called the session to order.

II. INVOCATION.

Mr. Sloan presented the invocation.

III. PLEDGE OF ALLEGIANCE TO THE FLAG OF UNITED STATES OF AMERICA.

The Commission led in the Pledge of Allegiance to the Flag.

IV. REVIEW UPCOMING AGENDAS.

Mr. Kirk Turner apprised the Commission of the caseload agendas, twelve (12) cases for July 19, fifteen (15) cases for August 16, two (2) cases for September 20 and no cases at this time for October 18.

V. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

VI. REVIEW MEETING PROCEDURES.

Mr. Kirk Turner reviewed the meeting procedures.

VII. CITIZEN COMMENT PERIOD ON UNSCHEDULED MATTERS INVOLVING THE SERVICES, POLICIES AND AFFAIRS OF THE COUNTY GOVERNMENT REGARDING PLANNING OR LAND USE ISSUES.

There were no citizens' comments on unscheduled matters.

VIII. PUBLIC HEARING.

- **DEFERRAL REQUEST BY APPLICANT – CONDITIONAL USE.**

- F. **16SN0684***: In Dale Magisterial District, **Terraforge Ventures LLC** requests amendment of conditional use planned development (Case 05SN0219) relative to the reduction of cash proffers and modifications to open space and recreational areas and amendment of zoning district map in a Residential (R-12) District on 166.3 acres located along the east line of Conifer Road, and the east and west lines of Silver Mist Avenue. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential II use (2.0 to 4.0 dwellings per acre). Tax IDs 784-675-1052, 7571, 7664, 7678, 7756, 7786, 7952, 7993, and 8299; 784-676-3731, 4223, 4640, 4783, 4954, 5172, 5220, 5382, 5440, 5652, 5922, 6039, 6098, 6268, 6350, 6620, 6637, 6949, 6966, 7319, 7336, 7547, 7665, 7917, 7934, 8246, 8363, 8533, 8606, 8616, 8844, 8961, 9231, 9314, 9443, 9660, and 9830; 784-677-4902; 785-675-1969, 2385, 2488, 2490, 2592, 2669, 2696, 2799, 2863, 2976, 3080, 3163, 3463, 3771, and 3975; 785-676-0141, 2700, 2803, 2806, 2890, 2909, 2911, 3014, 3117, 3220, 3222, 3324, and 3327; 785-677-2754, 3100, 3236, 3310, 3418, 3527, 3658, & 4240; and 786-675-0497.

Mr. Jack Wilson, the applicant's representative, requested a sixty (60) day deferral for Case 16SN0684, at the applicant's request.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Jackson, seconded by Mr. Sloan, the Commission resolved to defer Case 16SN0684, at the applicant's request, to the August 16, 2016 Planning Commission public hearing.

AYES: Wallin, Sloan, Freye, Jackson and Jones.

- **DEFERRAL REQUESTS BY INDIVIDUAL PLANNING COMMISSIONERS – REZONINGS, CONDITIONAL USE, AND CONDITIONAL USE PLANNED DEVELOPMENTS.**

- A. **15SN0656***: In Midlothian Magisterial District, **Marc Greenberg and Midlothian Land Partnership, LLC** request rezoning from Community Business (C-3) to Community Business (C-3) with conditional use planned development to permit exceptions to ordinance requirements and amendment of zoning district map on 25.7 acres fronting 1450 feet on the north line of Midlothian Turnpike, 330 feet west of Winterfield Road; also fronting 230 feet on the west line of Winterfield Road, 315 feet north of Midlothian Turnpike. Density will be controlled by zoning conditions or

Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Commercial District and Planned Transition Area uses. Tax IDs 724- 709-1313, 2311, 2528, 4210, 5831, 6911, 9121; 725-709-1125, 2064 and 7635.

Mr. Mark Baker, the applicant's representative, accepted deferral of Case 15SN0656 by the District Planning Commissioner to the August 16, 2016 Planning Commission public hearing.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Jones, seconded by Dr. Wallin, the Commission resolved to defer Case 15SN0656 with the applicant's consent, to the regularly scheduled August 16, 2016 Planning Commission public hearing.

AYES: Wallin, Sloan, Freye, Jackson and Jones.

- H. **16SN0704*****: In Clover Hill Magisterial District, **Sports Frog, LLC, HMG Investments, LLC and Waterford Business Center, LC** request rezoning from Community Business (C-3) and Light Industrial (I-1) to Regional Business (C-4) with conditional use to permit multifamily, townhouse, exposition center, stadium, arena, outside storage, public address system, electronic message center signs and brewery uses, and conditional use planned development to permit boat sales/service/repair, model homes and exceptions to ordinance requirements and amendment of zoning district map on 105.2 acres located in the northeast and northwest quadrants of Genito Road and Genito Place at Rt. 288. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Regional Mixed use. Tax IDs 731-689-5633, Part of 731-691-3176, 732-688-0178 and 732-689-5376.

Mr. Jack Wilson, the applicant's representative, accepted deferral of Case 16SN0704 by the District Planning Commissioner to the August 16, 2016 Planning Commission public hearing.

Dr. Wallin opened the floor for public comment.

There being no one else to speak, Dr. Wallin closed the public hearing.

On motion of Ms. Freye, seconded by Mr. Jones, the Commission resolved to defer Case 16SN0704 with the applicant's consent, to the regularly scheduled August 16, 2016 Planning Commission public hearing.

AYES: Wallin, Sloan, Freye, Jackson and Jones.

- N. **16SN0712**: In Clover Hill Magisterial District, **Allen Kidd** requests rezoning from Corporate Office (O-2) to Residential (R-12) on 2.0 acres plus amendment of zoning (Case 01SN0245) on 1 acre relative to buffers in a Corporate Office (O-2) District and amendment of zoning district map on a 3.0 acre tract fronting 450 feet on the west line of North Arch Road, 130 feet south of Knightsbridge Road. Residential use of up to 3.36 units per acre is permitted in the Residential (R-

12) District. The Comprehensive Plan suggests the property is appropriate for Neighborhood Office use. Tax IDs 752-705-2726 and 3446.

Mr. Jack Wilson, the applicant's representative, accepted deferral of Case 16SN0712, with the applicant's consent, to the August 16, 2016 Planning Commission public hearing.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Ms. Freye, seconded by Mr. Sloan, the Commission resolved to defer Case 16SN0712 with the applicant's consent, to the regularly scheduled August 16, 2016 Planning Commission public hearing.

AYES: Wallin, Sloan, Freye, Jackson and Jones.

- **CONSENT ITEMS – REZONINGS, CONDITIONAL USES, CONDITIONAL USE PLANNED DEVELOPMENTS AND SUBSTANTIAL ACCORDS.**

- B. **16PD0237:** In Clover Hill Magisterial District, **Cellco Partnership d/b/a Verizon Wireless** requests substantial accord determination to permit two (2) small cell communication facilities on one (1) building and amendment of zoning district map in a Community Business (C-3) District on 0.2 acre of a 7.9 acre parcel known as 12229 Chattanooga Plaza. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Community Business use. Tax ID 737-681- Part of 4868.

Mr. Julian Pedini, the applicant's representative, accepted staff's recommendation.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Ms. Freye, seconded by Mr. Jackson, the Commission resolved to recommend approval of Case 16PD0237 subject to the following conditions:

CONDITIONS

1. The color, design and lighting system for the small cells shall be as follows:
 - a. The antennas shall be located inside vent pipes which may extend no more than 3 feet 6 inches above the parapet wall of the building, generally as located on Graphic 3, Attachment 2.

- b. The components of the small cell equipment shall have a durable finish color that matches the building upon which it is located, as approved by the Planning Department. The finish color shall be maintained to address fading, flaking, or other finish issues, as determined by the Planning Department, to include matching any repainting of the building upon which it is mounted
 - c. The small cells shall not be lighted. (P)
2. The antennas shall not exceed a height of 3.5 feet above the parapet wall. (P)

AYES: Wallin, Sloan, Freye, Jackson and Jones.

- C. **16PD0238:** In Matoaca Magisterial District, **Cellco Partnership d/b/a Verizon Wireless** requests substantial accord determination to permit a small cell communication facility and amendment of zoning district map in a Regional Business (C-4) District on 0.3 acre of a 21.9 acre parcel known as 4838 Commonwealth Centre Parkway. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Regional Mixed use. Tax IDs 734-676- Part of 9189.

Mr. Julian Pedini, the applicant's representative, accepted staff's recommendation.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Dr. Wallin, seconded by Mr. Jones, the Commission resolved to recommend approval of Case 16PD0238 subject to the following conditions:

CONDITIONS

- 1. The color, design and lighting system for the small cell shall be as follows:
 - a. The antenna shall be located inside a vent pipe which may extend no more than 5 feet above the north parapet wall of the building, generally as located on Graphic 3, Attachment 2.
 - b. The components of the small cell equipment shall have a durable finish color that matches the building upon which it is located, as approved by the Planning Department. The finish color shall be maintained to address fading, flaking, or other finish issues, as determined by the Planning Department, to include matching any repainting of the building upon which it is mounted
 - c. The small cell shall not be lighted. (P)

2. The antenna shall not exceed a height of 5 feet above the north parapet wall. (P)

AYES: Wallin, Sloan, Freye, Jackson and Jones.

- D. **16PD0239**: In Matoaca Magisterial District, **Cellco Partnership d/b/a Verizon Wireless** requests substantial accord determination to permit a small cell communication facility and amendment of zoning district map in a Regional Business (C-4) District on 0.2 acre of a 21.9 acre parcel known as 4678 Commonwealth Centre Parkway. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Regional Mixed use. Tax IDs 734-676- Part of 9189.

Mr. Julian Pedini, the applicant's representative, accepted staff's recommendation.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Dr. Wallin, seconded by Mr. Jones the Commission resolved to recommend approval to Case 16PD0239 subject to the following conditions:

CONDITIONS

1. The color, design and lighting system for the small cell shall be as follows:
 - a. The antenna shall be located inside a vent pipe which may extend no more than 3 feet 6 inches above the parapet wall of the building, generally as located on Graphic 3, Attachment 2.
 - b. **Any roof-mounted** components of the small cell equipment shall have a durable finish color that matches the building upon which it is located, as approved by the planning department. The finish color shall be maintained to address fading, flaking, or other finish issues, as determined by the planning department, to include matching any repainting of the building upon which it is mounted
 - c. The small cell shall not be lighted. (P)
2. The antenna shall not exceed a height of **3.5** feet above the parapet wall. (P)

AYES: Wallin, Sloan, Freye, Jackson and Jones.

- G. **16SN0690*****: In Matoaca Magisterial District, **FC Richmond** requests conditional use to permit commercial indoor and outdoor recreational establishments (with incidental office use (including medical), sit down and carry-out restaurants (concessions) and sports related retail uses), a computer-controlled variable message electronic sign, and outside public address systems plus conditional use planned development to permit exceptions to ordinance requirements and amendment of zoning district map in an Agricultural (A) District on 80 acres fronting in two (2)

places for a total of 1,160 feet on the south line of Genito Road, 3,660 feet east of Mount Hermon Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Phased Suburban Residential and Suburban Residential I uses (maximum of 2.0 dwellings per acre). Tax ID 706-688-6608.

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Dr. Wallin, seconded by Mr. Sloan, the Commission resolved to recommend approval of Case 16SN0690 and acceptance of the proffered conditions:

PROFFERED CONDITIONS

1. Master Plan. The Textual Statement, last revised June 6, 2016, and Exhibit A, last revised April 18, 2016 and prepared by Balzer and Associates, Inc. shall be considered the Master Plan. (P)
2. Uses. Permitted uses shall be limited to the following:
 - a. Uses permitted by-right in the Agricultural (A) District
 - b. Commercial indoor recreational use
 - c. The following uses shall be permitted provided such uses are located within the same building as the commercial indoor recreational use. After the proposed Powhite Parkway Extended is provided to serve the area, as determined by the Planning Department, the following uses would be permitted without being located within the commercial indoor recreational building:
 - i. Office, to include medical
 - ii. Restaurant, to include carry-out and sit-down
 - iii. Retail sales, athletic oriented and related to the on-site recreational uses
 - iv. Indoor training facilities, athletic oriented and related to the on-site recreational uses
 - b. Commercial outdoor recreational use to include:
 - i. Sports playfields
 - ii. Outdoor training facilities that are athletic oriented and related to the on-site recreational uses, such as, but not limited to, outdoor trails, ropes course, kick wall and sprint hills

- c. Accessory buildings related to the outdoor sports playfield use, such as restrooms, concession stands, equipment and maintenance sheds, scorers/referee stands and picnic pavilions.
 - d. Outside public address systems and speakers, permitted between the hours of 8:00 a.m. and 11:00 p.m. Sunday through Thursday and between 8:00 a.m. and 12:00 a.m. (midnight) Friday and Saturday. (P)
3. Hours of Operation. Commercial outdoor recreational use, including playfields, any restaurant use, and field lighting shall not be permitted between 12:00 a.m. (midnight) and 7:00 a.m. daily. Commercial indoor recreational use, including office and retail sales use, shall not be permitted between 2:00 a.m. and 7:00 a.m. daily. (P)
4. Dedications. Prior to any site plan approval, or within sixty (60) days of a written request by the Transportation Department, whichever occurs first, the following rights of way shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County:
- a. Forty-five (45) feet of right of way on the south side of Genito Road, measured from the centerline of that part of Genito Road immediately adjacent to the property.
 - b. 200 foot wide limited access right of way for the proposed Powhite Parkway Extended from Genito Road, through the property, to the southern property line, as generally shown on Exhibit A, prepared by Balzer and Associates, Inc. and last revised April 18, 2016. The exact location and alignment of this right of way shall be approved by the Transportation Department. (T)

Note: With this Powhite Parkway Extended right of way dedication, it is understood that the Transportation Department will consider a pedestrian crossing to be provided on the property when Powhite Parkway Extended is constructed.

5. Accesses. Direct vehicular access from the property to Genito Road shall be limited to two (2) entrances/exits. One (1) access shall be generally located towards the eastern property line, and the second access shall be generally located towards the western property line. The exact locations of these accesses shall be approved by the Transportation Department. (T)
6. Road Improvements. The owner/developer shall be responsible for the following road improvements:
- a. Construction of additional pavement along Genito Road to provide left and right turn lanes at each approved access.
 - b. Widening/improving the south side of Genito Road to a twelve (12) foot wide travel lane, measured from the centerline of the existing pavement, with an additional four (4) foot wide paved shoulder plus a four (4) foot wide unpaved shoulder and overlaying the full width of Genito Road with one and one-half (1.5)

inches of compacted bituminous asphalt concrete, with modifications approved by the Transportation Department, for the entire property frontage.

- c. Construction of a sidewalk along the south side of Genito Road for the entire property frontage.
 - d. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire any "off-site" right-of-way that is necessary for any improvement described in Proffered Condition 6, the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within the available right-of-way as determined by the Transportation Department. (T)
7. Transportation Phasing Plan. Prior to any site plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 6 shall be submitted to and approved by the Transportation Department. (T)
8. Development Restriction. No development/improvements, other than the easternmost access to Genito Road and the road improvements identified in Proffered Condition 6, shall be constructed on the property within the two (2) areas identified for the future Powhite Parkway Extended/Genito Road interchange right of way, as generally shown on Exhibit A, prepared by Balzer and Associates, Inc. and last revised April 18, 2016. The exact location of these interchange rights of way and the improvements permitted within these rights of way shall be approved by the Transportation Department. (T)
9. Sound Limitation. Amplified sound shall not exceed fifty (50) dBa at the nearest property line adjacent to Tax IDs 705-687-3536, 706-685-3851, 708-687-1246, 706-689-2923 and 5820. (P)
10. Replanting RPA Buffer. Prior to site plan approval, a planting plan to re-establish the 100-foot RPA buffers along the tributary to Otterdale Branch and along Otterdale Branch shall be approved by the Department of Environmental Engineering. (EE)

AYES: Wallin, Sloan, Freye, Jackson and Jones.

- I. **16SN0706:** In Bermuda Magisterial District, **Courtney D. Vipperman** requests conditional use to permit a family day care home and amendment of zoning district map in an Agricultural (A) District on 4.9 acres known as 5615 Centralia Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential II use (2.0 to 4.0 dwellings per acre). Tax ID 778-661-6379.

Ms. Courtney Vipperman, the applicant, accepted staff's recommendation.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Sloan, seconded by Mr. Jackson, the Commission resolved to recommend approval of Case 16SN0706 and acceptance of the proffered conditions:

PROFFERED CONDITIONS

1. Non-Transferable Ownership: This conditional use approval shall be granted to and for Courtney D. Vipperman, exclusively, and shall not be transferable nor run with the land. (P)
2. Expansion of Use: There shall be no exterior additions or alterations to the existing structure to accommodate this use. (P)
3. Signage: There shall be no signs permitted to identify this use. (P)
4. Number of Children: This conditional use approval shall be limited to providing care, protection and guidance to a maximum of twelve (12) children, other than the applicant's own children, at any one time. (P)
5. Hours of Operation: Hours and days of operation shall be limited to Monday through Friday from 6:00 a.m. to 6 p.m. There shall be no Saturday or Sunday operation of this use. (P)
6. Time Limitation: This conditional use approval shall be granted for a period not to exceed ten (10) years from the date of approval. (P)
7. Fenced Outdoor Play Areas:
 - a. Any outdoor play area and/or recreational equipment utilized by the family day-care home shall be located in the side or rear yard of the property. Outdoor play and/or recreational equipment areas shall have perimeter fencing of at least four feet in height, installed around the equipment or play area. However, the following exception to the location of recreational equipment shall be permitted:
 - i. One (1) item of recreational equipment shall be permitted in the front yard (as shown on the Exhibit, dated May 11, 2016) provided that perimeter fencing of at least four (4) feet in height shall be installed around the recreational equipment within 120 days of approval of this request.
 - b. Equipment for outdoor play areas shall be located no closer than fifteen (15) feet to the side or rear property lines. (P)

8. Employees: No more than one (1) employee shall be permitted to work on the premises, other than family member employees that live on the premises. (P)

AYES: Wallin, Sloan, Freye, Jackson and Jones.

- K. **16SN0708**: In Midlothian Magisterial District, **George Street Corp.** requests an amendment of zoning (Case 91SN0291) to permit a warehouse (indoor self-storage) use and a conditional use planned development to permit setback and height exceptions and amendment of zoning district map in a General Business (C-5) District on 2.0 acres located at 10920 Midlothian Turnpike. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Regional Mixed Use. Tax ID 744-709- Part of 1952.

Mr. Jim Theobald, the applicant's representative, accepted staff's recommendation.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Jones, seconded by Ms. Freye, the Commission resolved to recommend approval of Case 16SN0708 and acceptance of the proffered conditions:

PROFFERED CONDITIONS

The property owner and applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the property under consideration (the "Property") will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owner and applicant. In the event this request is denied or approved with conditions not agreed to by the owner and applicant, the proffers shall immediately be null and void and of no further force or effect.

The Applicant hereby amends Proffered Condition 1 of Case 91SN0291 to read as follows:

1. Uses. The following uses shall be permitted:
 - a. Uses permitted by right or uses permitted with restrictions in the Community Business (C-3) District;
 - b. Warehouse (limited to an indoor self-storage facility);
 - c. Automobile repair, including body, major engine or transmission, provided that, should the property be redeveloped for an alternative use, such uses(s) shall be limited to those permitted in Proffered Condition 1.a and 1.b. (P)

(Note: Except as amended herein, all previous conditions of zoning approved in Case 91SN0291 shall remain in full force and effect.)

The Applicant hereby provides for additional Proffered Conditions as follows:

2. Master Plan. The Textual Statement dated April 4, 2016; Exhibit A entitled "Koger Center Mini-Price Schematic Layout", prepared by Silvercore and dated March 31, 2016; and Exhibit B entitled "Midlothian Miniprice Storage Richmond, VA", prepared by Finely Design and dated June 8, 2016 shall be considered the master plan. (P)
3. Site Plan. The site shall be developed as generally depicted on Exhibit A, unless modifications are approved by the Planning Director at the time of site plan approval. (P)
4. Internal Access. Access to individual self-storage units shall only be permitted using interior doors. (P)
5. Architectural and Materials. Any building shall be constructed in compliance with the following:
 - a. Exterior Elevations: Buildings shall have an architectural style and use design elements substantially consistent with the architectural renderings labeled Exhibit B.
 - b. Building Materials. The exposed portions of the front and side elevations, as depicted on Exhibit B, shall be constructed of brick, masonry split-faced block, E.I.F.S. and metal wall panels or equivalent permanent architecturally finished materials, substantially consistent with those shown on the exhibits. (P)
6. Hours of Operation. Hours of operation shall be limited to between 6:00 a.m. and 10:00 p.m. daily. (P)
7. Exterior Maintenance. Within thirty (30) days of written notice from the Director of Planning to the property owner, the owner shall clean any E.I.F.S. building material installed on the building's exterior elevation. (P)

AYES: Wallin, Sloan, Freye, Jackson and Jones.

- L. **16SN0709**: In Dale Magisterial District, **Donna J. Poling** requests a conditional use to permit a family day care home and amendment of zoning district map in a Residential (R-9) District on 0.3 acre known as 7801 Valencia Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential II use (2.0 to 4.0 dwellings per acre). Tax ID 761-685-8804.

Ms. Donna Polling, the applicant, accepted staff's recommendation.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Jackson, seconded by Mr. Sloan, the Commission resolved to recommend approval of Case 16SN0709 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Non-Transferable Ownership: This conditional use approval shall be granted to and for Donna J. Poling, exclusively, and shall not be transferable nor run with the land. (P)
2. Expansion of Use: There shall be no exterior additions or alterations to the existing structure to accommodate this use. (P)
3. Signage: There shall be no signs permitted to identify this use. (P)
4. Number of Children: This conditional use approval shall be limited to providing care, protection and guidance to a maximum of twelve (12) children, other than the applicant's own children, at any one time. (P)
5. Hours of Operation: Hours and days of operation shall be limited to Monday through Friday from 7 a.m. to 6 p.m. There shall be no Saturday or Sunday operation of this use. (P)
6. Time Limitation: This conditional use approval shall be granted for a period not to exceed ten (10) years from the date of approval. (P)
7. Fenced Outdoor Play Areas: Any outdoor play area and/or recreational equipment utilized by the family day-care home shall be located in the side or rear yard of the property. Outdoor play and/or recreational equipment areas shall have perimeter fencing of at least four feet in height, installed around the equipment or play area. Equipment for outdoor play areas shall be located no closer than fifteen (15) feet to the side or rear property lines. (P)
8. Employees: No more than one (1) employee shall be permitted to work on the premises, other than family member employees that live on the premises. (P)

AYES: Wallin, Sloan, Freye, Jackson and Jones.

- M. **16SN0711**: In Clover Hill Magisterial District, **McDonald's Real Estate Company** requests conditional use planned development to permit exceptions to ordinance requirements and amendment of zoning district map in a Community Business (C-3) District on 1.1 acres located in the southwest corner of Midlothian Turnpike and Research Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Community Business use. Tax ID 743-708-0983

Mr. Roger Bowers, the applicant's representative, accepted staff's recommendation.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Ms. Freye, seconded by Mr. Jones, the Commission resolved to recommend approval of Case 16SN0711 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

McDonald's Corporation (the "Applicant") offers the following proffered conditions for the re-development of Property if, and only if, the concurrent conditional use planned development is approved. In the event the request is denied or approved with conditions not agreed to by the Applicant, these proffered conditions shall immediately be null and void and of no further force and effect.

The Applicant hereby proffers the following conditions:

1. The architectural design elements, including materials, color and style, shall be substantially compatible with the elevations in Exhibit D, dated March 17, 2016. (P)
2. The Textual Statement dated last revised May 17, 2016 shall be considered the Master Plan. (P)

AYES: Wallin, Sloan, Freye, Jackson and Jones.

- O. **16SN0713:** In Bermuda Magisterial District, **Asgard Properties c/o Priority Toyota David Perno** requests rezoning from General Industrial (I-2) to General Business (C-5) plus conditional use planned development to permit exceptions to ordinance requirements and amendment of zoning district map on 5.7 acres fronting 400 feet on the south line of Ruffin Mill Road, 2,080 feet west of Continental Boulevard. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Industrial use. Tax ID 805-637-5251.

Mr. Brennen Keene, the applicant's representative, accepted staff's recommendation.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Sloan, seconded by Mr. Jackson, the Commission resolved to recommend approval of Case 16SN0713 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

Asgard Properties One, LLC (the "Owner"), as applicant in this zoning case, pursuant to §15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for itself and its successors or assigns, proffers that the development of the property known as Chesterfield County Tax Identification Number 805-637-5251 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for C-5 and Conditional Use Planned Development ("CUPD") is granted. In the event the

request is denied or approved with conditions not agreed to by the Owner, the proffers shall immediately be null and void and of no further force or effect. If the zoning is granted, these proffers will supersede all proffers and conditions now existing on the Property.

1. Master Plan. The Textual Statement dated April 1, 2016, shall be considered the Master Plan. (P)
2. Display Areas.
 - A. Direct access to and from the vehicle display areas shall be prohibited from Ruffin Mill Road.
 - B. The maximum number of vehicle display pads shall be four (4). (P)
3. Restricted Uses. The following uses shall not be permitted on the Property:
 - A. Carport sales.
 - B. Church
 - C. Columbarium.
 - D. Conference center, except as part of a hotel.
 - E. Convenience store.
 - F. Day care, adult or child.
 - G. Dry cleaning pick up, drop off, and coin operated.
 - H. Dwelling.
 - I. Flea market.
 - J. Funeral home or mortuary.
 - K. Garage building sales.
 - L. Group care facility.
 - M. Laundromat.
 - N. Library.
 - O. Manufactured or modular home sales, service, repair, or rental.
 - P. Modular home sales, service, repair, and rental.
 - Q. Mortuary.
 - R. Motel.
 - S. Museum.
 - T. Nursing home.
 - U. Place of worship.
 - V. Recycling receiving center, excluding drop-off bins.
 - W. Salvage barn.
 - X. School, excluding vocational.
 - Y. Second hand store.

- Z. Shed building sales.
- AA. Theater.
- BB. Travel trailer park.
- CC. Vendor, outdoor, Christmas trees, prepared food, fruit, and vegetable. (P)

AYES: Wallin, Sloan, Freye, Jackson and Jones.

- P. **16SN0716:** In Midlothian Magisterial District, **Robious Road Holdings, LLC and Johnson Development Association, Inc.** requests rezoning from Community Business (C-3) to General Business (C-5) to permit a mini storage facility and amendment of zoning district map on 3.9 acres located in the southeast corner of Robious Road and Mall Drive. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Regional Mixed use. Tax IDs 742-713-2890 and 4177.

Mr. Jack Wilson, the applicant's representative, accepted staff's recommendation.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Jones, seconded by Ms. Freye, the Commission resolved to recommend approval of Case 16SN0716 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The property owners and applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors and assigns, proffer that the property under consideration will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by owners and applicant. In the event this request is denied or approved with conditions not agreed to by the owners and applicant, the proffers shall immediately be null and void and of no further force or effect.

1. Uses:
 - a. The following uses shall be prohibited:
 - i. all C-5 uses other than a mini storage facility;
 - ii. all C-4 uses;
 - iii. carpenter and cabinetmakers' offices and display rooms;
 - iv. cocktail lounges and nightclubs;
 - v. electrical, plumbing or heating supply sales, service and related display rooms;
 - vi. feed, seed and ice sales;
 - vii. fraternal uses;
 - viii. hospitals;

- ix. indoor flea markets;
- x. motor vehicle washes;
- xi. park and ride lots;
- xii. recreational establishments, commercial-indoor;
- xiii. taxidermies;
- xiv. theaters, including drive-in theaters;
- xv. commercial kennels;
- xvi. outside runs for veterinary hospitals;
- xvii. automobile service stations;
- xviii. motor vehicle sales and rentals;
- xix. gasoline sales;
- xx. drive-through windows for fast food restaurants unless located at the side or rear of a building which has separate spaces for at least three (3) users;
- xxi. outside storage;
- xxii. schools-commercial, trade, vocational and training, unless conducted within an enclosed building;
- xxiii. material reclamation receiving center;
- xxiv. warehouses for permitted uses; and
- xxv. prepared food and fruit and vegetable vendors.

b. The following uses shall be limited as follows:

- i. Outside Display: Any area used for outdoor display that is not located under a covered pedestrian way shall be identified on the approved site plan. Such area shall be located adjacent to the building which it serves, shall be clearly delineated with decorative fencing, and shall be located outside of parking and sidewalk areas.
- ii. Motor Vehicle Repair: Any motor vehicle repair building shall not exceed 6,500 gross square feet in size, and any bay doors or loading areas for such use shall not directly face Robious Road.
- iii. Drive-Through Windows: Views of any drive-through window parallel and adjacent to Robious Road other than for a bank shall be minimized by a decorative masonry wall a minimum of three (3) feet in height which is architecturally compatible with the building(s).
- iv. Greenhouses or Nurseries:
 - 1. Outside garden centers shall not exceed 4,500 gross square feet and shall be accessory to a retail component of the business that is conducted within an enclosed building. In no event shall the outside garden center exceed the square footage of the associated retail building.
 - 2. Outside garden centers shall be enclosed by a decorative "wrought iron-style" fence with brick piers, being a minimum of eight (8) feet in height.

3. With the exception of outside display as restricted by Proffered Condition 1.B.i, and continuous outside display, all plant materials and growing areas shall be located within the limits of the garden center or within an enclosed building.

v. No storage unit shall be used for office or dwelling purposes. (P)

2. Hours of Operation. No use shall be open to the public between the hours of 12:00 a.m. (midnight) and 6:00 a.m. (P)
3. Exterior Materials. All building exteriors (whether front, side or rear), exclusive of doors, windows, and trim accents, shall consist of masonry, stone, EIFS, cementitious siding, architectural precast, integral color split face block or glass as established as part of an overall architectural theme. Aluminum or metal accents and standing-seam metal roofs shall be permitted. Plastic sheeting as sometimes associated with a greenhouse or nursery shall not be permitted as an exterior material. Notwithstanding the foregoing, should the Property develop as a mini storage facility, the elevations shall be substantially the same as those shown on Exhibit A. (P and BI)
4. Signage. All freestanding signs shall be a monument style. The base/structure of each sign shall be constructed of complementary materials and colors as the building which it advertises. All building-mounted signs shall be internally illuminated channel letters and logos mounted on raceways painted to blend with the building backdrop. (P)
5. Vehicular Lights. A six (6) foot high double-sided cedar board or vinyl fence with an additional one (1) foot high decorative top shall be provided as may be necessary to substantially shield headlights from adjacent Tax IDs 742-713-6185 and 742-713-4750 to east in a location as determined at the time of site plan approval, for so long as such adjacent parcel or parcels are zoned or used for residential purposes. (P)
6. Vehicular Access.
 - a. No direct vehicular access shall be provided to Robious Road, except the existing driveway that only serves the adjacent residential property to the east (Tax IDs 742-713-6185).
 - b. Direct vehicular access to Mall Drive shall be limited to one entrance/exit, generally located to align the existing crossover on Mall Drive. The exact location of the access shall be approved by the Transportation Department. (T)

AYES: Wallin, Sloan, Freye, Jackson and Jones.

- Q. **16SN0718:** In Clover Hill and Matoaca Magisterial Districts, **Chesterfield County Board of Supervisors** requests conditional use planned development to permit exceptions to ordinance requirements relative to signage and amendment of zoning district map in an Agricultural (A) District on 0.2 acres located within the right-of-way of Woolridge Road, south of Genito Road and north of Crown Point Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban

Residential I use (maximum of 2.0 dwellings per acre). Adjacent to Tax IDs 718-683-8777 and 718-685-8949. (VDOT RIGHT-OF-WAY).

Mr. Kirk Turner, the applicant's representative, accepted staff's recommendation.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Ms. Freye, seconded by Dr. Wallin, the Commission resolved to recommend approval of Case 16SN0718 subject to the condition:

CONDITION

Two (2) signs, each limited to a maximum of three (3) square feet in area and five (5) feet in height, shall be permitted on two (2) existing Virginia Department of Transportation "Adopt a Highway" signs as generally shown on Attachment 2. (P)

AYES: Wallin, Sloan, Freye, Jackson and Jones.

- R. **16SN0719*****: In Bermuda Magisterial District, **Trollingwood Land, LLC, Americana Park, LLC, Moore's Lake Apartments Phase II, LLC and Moore's Lake, LLC** request amendment of conditional use (Case 07SN0386) relative to number of dwelling units per floor, parking setbacks and recreational area for multifamily development and amendment of zoning district map in a Community Business (C-3) District on 150 acres fronting 635 feet in five places on the east line of Jefferson Davis Highway, at the terminus of Redwater Ridge Road, and fronting 680 feet on the south line of Osborne Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for General Commercial and Residential use (7.01 to 10.0 units/acre). Tax IDs 799-655-4194; 799-657- 3802; 799-658-part of 6575 and 800-656-5991.

Mr. Kerry Hutcherson, the applicant's representative, accepted staff's recommendation.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

In response to a question from Mr. Jackson relative to the number of units per floor, Mr. Hutcherson stated the configuration is changing to fifty four (54) units.

On motion of Mr. Sloan, seconded by Mr. Jackson, the Commission resolved to recommend approval of Case 16SN0719 subject to the condition and acceptance of the proffered condition:

CONDITION

1. Within Tract B, a maximum of fifty-six (56) dwelling units shall contain three bedrooms. No dwelling unit shall contain more than three (3) bedrooms. (P)

PROFFERED CONDITION

The Applicants in this case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the property known as Chesterfield County Tax Identification Numbers 799-657-4194, 799-657-3802, 799-658-6575, 800-656-5991 ("the Property") under consideration will be used according to the following proffer(s) if, and only if, the request submitted herewith is granted with only those conditions agreed to by the Applicants. In the event this request is denied or approved with conditions not agreed to by the owners and Applicants, the proffer shall immediately be null and void and of no further force or effect.

Master Plan. The Textual Statement dated October 10, 2007, as revised May 31, 2016 for Tract B (Multifamily Residential), shall be considered the Master Plan for the development. (P)

(Staff Note: This proffer supersedes Proffered Condition 1 of Case 07SN0385 for Tract B, only.)

AYES: Wallin, Sloan, Freye, Jackson and Jones.

- S. **16SN0727*****: In Clover Hill Magisterial District, **Chesterfield County Planning Commission** requests Conditional Use Planned Development to permit a computer controlled variable message electronic sign and amendment of zoning district map in a Residential (R-7) District on 51.9 acres fronting 1,170 feet on the south line of Center Pointe Parkway, 580 feet west of Brandermill Parkway. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Regional Mixed use. Tax IDs 723-693-7960; 723-694-3851 and 9176.

Mr. Kirk Turner, the applicant's representative, accepted staff's recommendation.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Ms. Freye, seconded by Dr. Wallin, the Commission resolved to recommend approval of Case 16SN0727 subject to the conditions:

CONDITIONS

1. The free-standing sign shall be located as generally depicted on Exhibit A, prepared by Moore Sign Company and dated 2-19-16. (P)

2. Electronic Sign. In addition to Ordinance requirements, any computer-controlled, variable message, electronic sign shall conform to the following standards:
- a. Copy shall be limited to a maximum of three (3) lines and shall not move but may fade;
 - b. The message or display shall be programmed to change no more than once every twenty-four (24) hours.
 - c. Sequential messaging shall be prohibited;
 - d. Flashing and traveling messages shall be prohibited;
 - e. Bijou lighting and animation effects shall be prohibited;
 - f. The electronic message center shall be incorporated into an architecturally designed sign structure that is compatible and complimentary to the building it serves; and
 - g. Brightness shall be limited so as not to exceed 0.3 foot candles above ambient light as measured using a foot candle meter at a distance of 63 feet. The computer-controlled, variable message, electronic sign shall have a photocell that automatically adjusts the brightness according to ambient light conditions. (P)

AYES: Wallin, Sloan, Freye, Jackson and Jones.

- **CONDITIONAL USE, CONDITIONAL USE PLANNED DEVELOPMENTS, REZONINGS - OTHER.**

- E. **16SN0675***: (AMENDED) In Bermuda Magisterial District, **Bermuda Warehousing, LLC** requests a conditional use to permit farm equipment, implement and machinery sales, repair and rental plus conditional use planned development to permit exceptions to ordinance requirements, and exception to Section 18-60 of the utility ordinance for required public sewer connection and amendment of zoning district map in a General Industrial (I-2) District on 6.4 acres fronting 545 feet on the north line of West Hundred Road, across from Ware Bottom Spring Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Community Mixed use. Tax IDs 806-653-1868 and 4471.

Ms. Jane Peterson presented an overview and staff's recommendation for approval of Request I for a conditional use and conditional use planned development. While the Plan suggests the property is appropriate for an integrated mixture of concentrated commercial and higher density residential uses, as conditioned, use would maintain compatibility with existing area development. Staff recommends denial for Request II which is for exception to public sewer. The request would adversely affect achieving the highest and best land use suggested by the Plan and would negatively impact the extension of public water and sewer systems to area properties.

Mr. Dean Hawkins, the applicant's representative, stated regarding Request I, site development, they have requested some setback exceptions and will be providing screening of the outside storage areas from West Hundred Road. He stated that the entrance to the site will change slightly according to VDOT standards and the proposal would spruce up the display pads. He agrees with Staff's recommendation of approval.

Regarding Request II, Mr. Hawkins stated the applicant did originally want to use public sewer and he met with Mr. Nannery over a year ago. But when they analyzed the three (3) available

options to provide the public sewer connection, they discovered two (2) possible extensions were too far away and the closest extension, across Route 10, was impossible to use because of damage to the area where they could easily connect. The applicant decided it was not financially feasible to pursue.

Mr. Sloan reflected on the costs shared by the Utilities Department for the extension options, noting the mandatory connection requirement to accommodate the proposed site improvements was cost prohibitive.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Sloan, seconded by Mr. Jones, the Commission resolved to recommend approval of Case 16SN0675 and acceptance of the proffered conditions and subject to the conditions:

PROFFERED CONDITIONS

1. Master Plan. The Textual Statement dated June 10, 2016, and the plan titled Dubberly Tractor & Equipment Co prepared by Dean E. Hawkins, ASLA, dated June 10, 2016, shall be considered the master plan. (P)
2. Improvements. Building and parking improvements associated with farm equipment, implement and machinery sales, repair and rental uses shall be limited to those depicted on the master plan. (P)
3. Screening. Screening of outside storage areas from West Hundred Road shall be accomplished through the use of berms and landscaping as generally depicted on the master plan. The exact design and treatment of the berms and landscaping shall be submitted to the Planning Department for review and approval. This treatment is in addition to perimeter landscape requirements of the Zoning Ordinance. (P)
4. Outdoor Product Display. Outdoor product display shall be limited to two (2) areas, one located towards the eastern property limits and the other towards the western property limits, as generally shown on the master plan. Each display area shall be located on a graveled surface, delineated with timbers, and landscaped with low level plantings. The exact design and treatment of these display areas shall be submitted to the Planning Department for review and approval. (P)

CONDITIONS

1. Utility Easements. Any site plan or building permit for the subject parcels shall provide and dedicate public easements in locations acceptable to the Utilities Department to accommodate the future extension of the public wastewater system. Such easements shall be dedicated prior to site plan approval. (U)
2. Extension of Utilities. In the event that the public sewer system is extended onto the north side of West Hundred Road (State Route 10) to a point within 200 feet of the subject property, the public wastewater system shall be extended to a point acceptable to the Utilities Department and all uses requiring wastewater shall be connected to the public system. (U)

AYES: Wallin, Sloan, Freye, Jackson and Jones.

- J. **16SN0707**: In Midlothian Magisterial District, **David Bruce Allen** requests exceptions to Section 18-60 of the utility ordinance for required public water and sewer connections and amendment of zoning district map in a Residential (R-40) District on 4.8 acres fronting 253 feet on the east line of Old Gun Road West; also fronting 334 feet on the south line of Silbyrd Drive, 325 feet east of Old Gun Road West. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Low Density Residential use (maximum of 1.0 dwelling per acre). Tax IDs 737-717-1329 and 3242.

Ms. Jane Peterson presented an overview and staff's recommendation of denial for Request I exception to public water. This request adversely impacts the extension of public water to area properties. Staff's recommendation is for approval of Request II, exception to public sewer. Established neighborhoods are located north of the subject property and development upstream is not anticipated. Utilities does not support Request II as the request will adversely impact the extension of sewer to area properties and there are no limitations with topography, capacities, or conflicts with utilities that would make the connection physically impractical.

Mr. David Allen, the applicant, stated he met with Planning and many other county departments in 2013, 2014 and 2015 prior to purchasing the property. At the time of the reviews, he was told no public water or public sewer would be required. After his due diligence, he was told Utilities would not approve his request; however, he feels Chesterfield County should uphold their agreement.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

Mr. Jones stated that to connect to water and sewer would cost more than the land is worth.

On motion of Mr. Jones, seconded by Mr. Sloan, the Commission resolved to recommend approval of both Request I and Request II of Case 16SN0707 subject to the conditions:

CONDITIONS

1. Utility Easements. Any construction plan or building permit for the subject parcels shall provide and dedicate public utility easements in locations acceptable to the Utilities Department to accommodate the future extension of the public water and wastewater systems. Such easements shall be dedicated prior to plan approval or in conjunction with the final plat. (U)
2. Extension of Utilities. In the event that the public sewer is extended to a point within 200 feet of the property, wastewater systems shall be extended to a point acceptable to the Utilities Department and all uses requiring domestic water and wastewater shall be connected to the applicable public system. (U)

AYES: Wallin, Sloan, Freye, Jackson and Jones.

X. OTHER BUSINESS.

There was no other business discussed.

XI. CITIZEN COMMENT PERIOD ON UNSCHEDULED MATTERS INVOLVING THE SERVICES, POLICIES AND AFFAIRS OF THE COUNTY GOVERNMENT REGARDING PLANNING OR LAND USE ISSUES.

Mr. Brennen Keene thanked Mr. Kirk Turner, Mr. Jesse Smith and Mr. Garret Hart for participating in a land use case study with the Watkins Center.

XII. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Jones, seconded by Ms. Freye that the meeting adjourned at 7:15 p.m. to Friday, July 15, 2016 at 1:00 p.m., Community Development Building, 9800 Government Center Parkway, first floor Rotunda for the Planning Commission Special Field Trip.

AYES: Wallin, Sloan, Freye, Jackson and Jones.

Chairman/Date

Secretary/Date